

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
ZONING MAP AMENDMENT REPORT #FZC-10-03
MAY 26, 2010

A report to the Flathead County Planning Board and Board of Commissioners regarding a request by Strickland, Endresen and Fraser for a zoning map amendment in the Westside zoning district. The proposed amendment would change the zoning on 45.52 acres from SAG-10 Suburban Agricultural to SAG-5 Suburban Agricultural. The West Valley Overlay designation will not be affected by the proposal.

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on June 9, 2010 in the 2nd Floor Conference Room, 1035 1st Ave West, Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. In accordance with Montana law, the Commissioners will also hold a public hearing on the proposed zoning map amendment at a date and time yet to be determined. Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office, Earl Bennett Building, 1035 First Avenue West, in Kalispell. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendment will also be available for public inspection in the Flathead County Clerk and Records Office, 800 South Main Street, in Kalispell.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposed amendment is within the advisory jurisdiction of the West Valley Land Use Advisory Committee (Committee). On May 25, 2010 the Committee will hold a public meeting to review the proposed amendment and make a recommendation to the Flathead County Planning Board. This space is reserved for a summary of the Committee's discussion and recommendation.

B. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed amendment on June 9, 2010 at 6:00 pm in the 2nd Floor Conference Room, 1035 1st Ave West, Kalispell and make a recommendation to the Flathead County Commissioners. This space is reserved for a summary of the Flathead County Planning Board's discussion and recommendation.

C. Commission

The Flathead County Commissioners will hold a public hearing on the proposed amendment on a date to be determined. This space is reserved for a summary of the Commission's discussion and decision.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant

Strickland, Endresen and Fraser
690 N. Meridian, Suite 103

Kalispell, MT 59901

ii. Technical Assistance

Michael Fraser

690 N. Meridian, Suite 103

Kalispell, MT 59901

B. Subject Property Location and Legal Description

The subject properties are located west of Kalispell, MT off Three Mile Drive on Eastview Drive (figure 1) and can legally be described as follows:

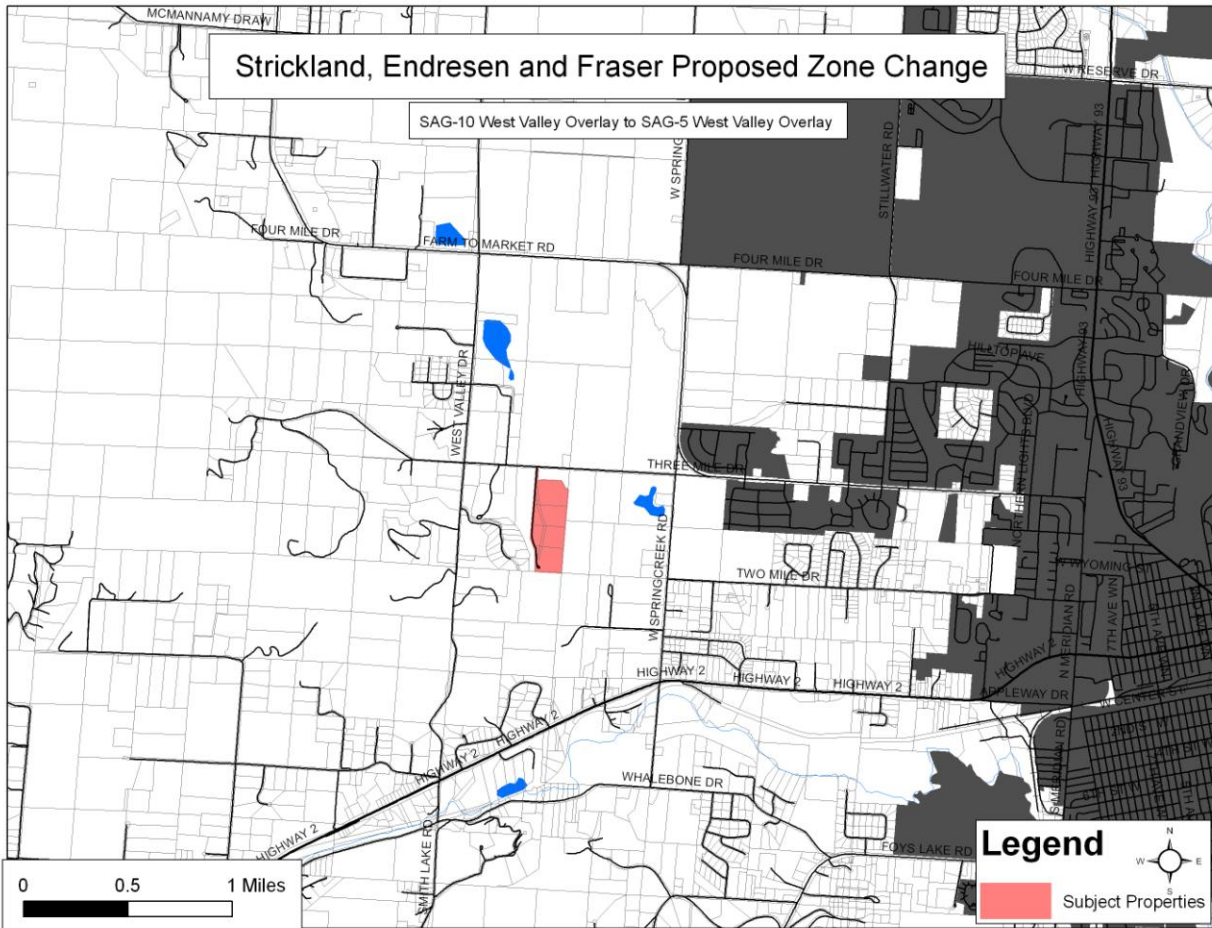
Tract 1: (*Assessor's Tract 4; 207 Eastview Dr. Jon & Lorie Endresen*) Parcel 2 of Certificate of Survey No. 12128, located in the Northeast Quarter of the Northwest Quarter of Section 10, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

Tract 2: (*Assessor's Tract 4E; 219 Eastview Dr. Frank & Michelle Strickland Trust*) Parcel 3 of Certificate of Survey No. 12128, located in the East Half of the Northwest Quarter of Section 10, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

Tract 3: (*Assessor's Tract 4BF; Frank & Michelle Strickland Trust; Michael & Katherine Fraser*) Parcel 2 of Certificate of Survey No. 11199, located in the Southeast Quarter of the Northwest Quarter of Section 10, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

Tract 4: (*Assessor's Tract 4BFA; Michael & Katherine Fraser*) Parcel 3 of Certificate of Survey No. 11199, located in the Southeast Quarter of the Northwest Quarter of Section 10, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.

Figure 1: Location of the subject properties.



C. Proposed Zoning Map Amendment

The subject properties are zoned SAG-10 Suburban Agricultural (figure 2), defined as *“a district to provide and preserve agricultural functions and provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.”*

Use: Permitted uses in a SAG-10 zoning district are:

1. Agricultural/horticultural/silvicultural uses.
2. Cellular towers.
3. Class A and Class B manufactured homes
4. Cluster housing
5. Dairy products processing, bottling, and distribution.
6. Day care homes.
7. Dwellings, single-family.
8. Guest houses.
9. Home occupations
10. Homeowners parks and beaches.

11. Nurseries, landscaping materials.
12. Parks and publicly owned recreational facilities.
13. Produce stands.
14. Public transportation shelter stations.
15. Public utility service installations.
16. Ranch employee housing.
17. Stables, riding academies, rodeo arenas.

Conditional uses in a SAG-10 district are:

1. Airfields.
2. Aircraft hangars when in association with properties within or adjoining an airport/landing field.
3. Animal hospitals, veterinary clinics.
4. Bed and breakfast establishments.
5. Camps and retreat centers
6. Caretaker's facility.
7. Cemeteries, mausoleums, columbariums, crematoriums.
8. Churches and other places of worship.
9. Community center buildings operated by a non-profit agency.
10. Community residential facilities.
11. Contractor's storage yards
12. Dwellings, family hardship.
13. Electrical distribution stations.
14. Extractive industries.
15. Golf courses.
16. Golf driving ranges.
17. Kennels, commercial
18. Manufactured home parks.
19. Recreational facilities, low-impact.
20. Schools, primary and secondary.
21. Temporary buildings or structures.
22. Water and sewage treatment plants.
23. Water storage facilities.

Intensity: The intensity of the zoning relates to the amount of particular use that can take place. Within the SAG-10 zoning, the minimum lot size for single-family homes is 10 acres. The SAG-10 zoning does permit clustering of lots as permitted in Section 5.09 FCZR.

Bulk: The bulk of the zoning relates to dimensional requirements such as lot coverage, building setbacks and height restrictions. Setbacks for primary uses are 20 feet from each property line. For accessory structures, the setbacks are 20 feet from the front of the lot and the side corner, and 5 feet from the rear and side lot lines. A 20 feet setback is required from all streams, and from county roads designated as a collector or minor/major arterial. Maximum height of buildings is 35 feet and permitted lot coverage is 20%.

The proposal would amend the zoning to SAG-5 Suburban Agricultural (figure 3), defined as *“a district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.”*

Use: Permitted uses in a SAG-5 zoning are:

1. Agricultural/horticultural/silvicultural uses.
2. Class A and Class B manufactured homes
3. Cluster housing
4. Day care homes.
5. Dwellings, single-family.
6. Guest houses.
7. Home occupations
8. Homeowners parks and beaches.
9. Nurseries, landscaping materials.
10. Parks and publicly owned recreational facilities.
11. Produce stands.
12. Public transportation shelter stations.
13. Public utility service installations.

Conditional uses in a SAG-5 zone are:

1. Airfields.
2. Aircraft hangars when in association with properties within or adjoining an airport/landing field.
3. Animal hospitals, veterinary clinics.
4. Bed and breakfast establishments.
5. Camp and retreat center
6. Caretaker's facility.
7. Cellular towers.
8. Cemeteries, mausoleums, columbariums, crematoriums.
9. Churches and other places of worship.
10. Community center buildings operated by a non-profit agency.
11. Community residential facilities.
12. Contractor's storage yards
13. Dwellings, family hardship.
14. Electrical distribution stations.
15. Extractive industries.
16. Golf courses.
17. Golf driving ranges.
18. Kennels, commercial
19. Manufactured home parks.
20. Recreational facilities, high-impact.
21. Recreational facilities, low-impact.
22. Recreational vehicle parks.
23. Schools, primary and secondary.

24. Stables, riding academies, and rodeo arenas.
25. Temporary buildings or structures.*
26. Water and sewage treatment plants.
27. Water storage facilities.

Intensity: The intensity of the proposed zoning relates to the amount of a particular use that can take place. Minimum lot sizes are 5 acres. The zoning does permit clustering of lots as permitted in Section 5.09 FCZR.

Bulk: The bulk of the zoning relates to dimensional requirements such as lot coverage, building setbacks and height restrictions. Within SAG-5 zoning setbacks are 20 feet from each property line for principal structures. For accessory structures, setbacks are 20 feet from the front and side corner, and 5 feet from the rear and the side's lot lines. Twenty foot setbacks are required from streams, and from county roads classified as collector or major/minor arterials. Maximum building height is 35 feet. Permitted lot coverage is 25% for residential uses.

Figure 2: The existing zoning designation.

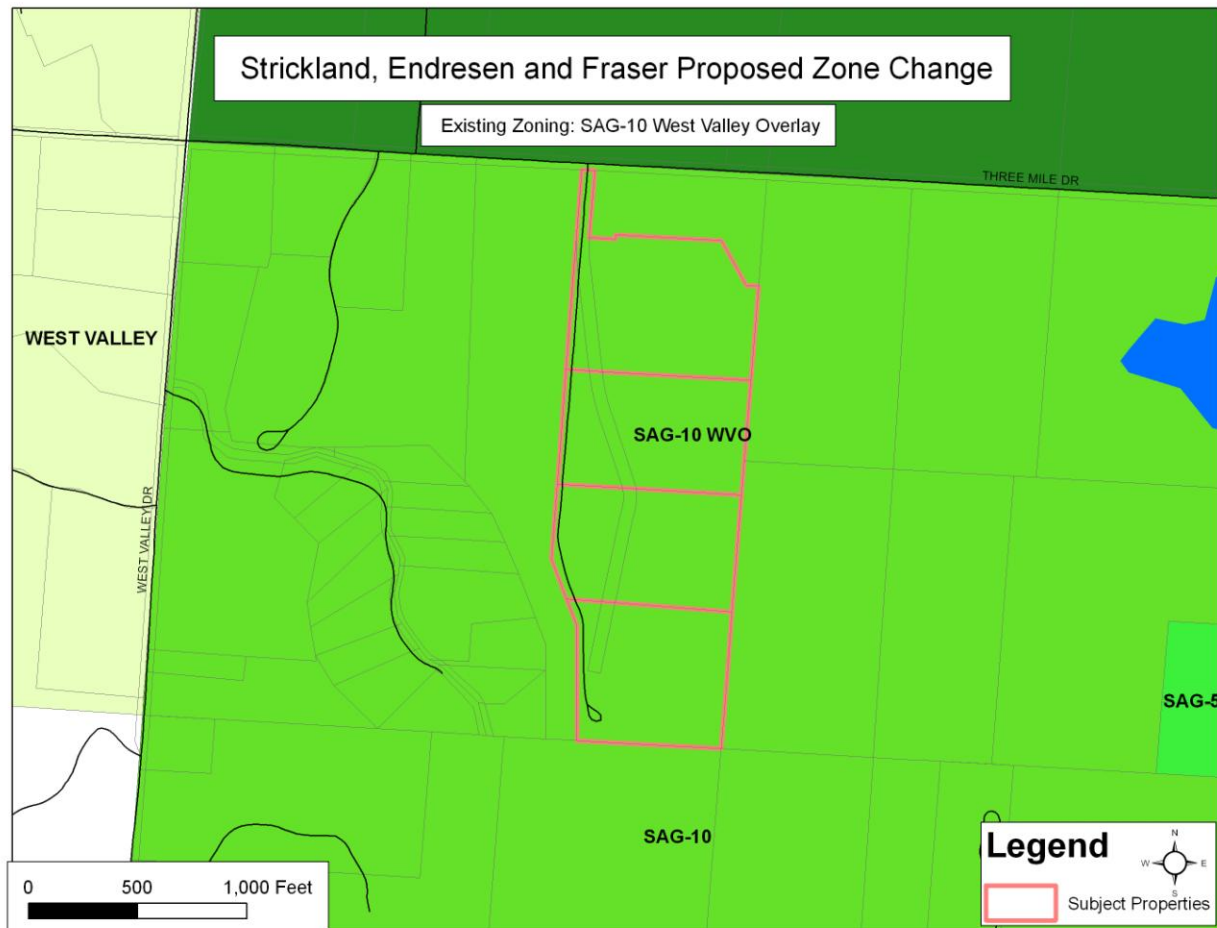
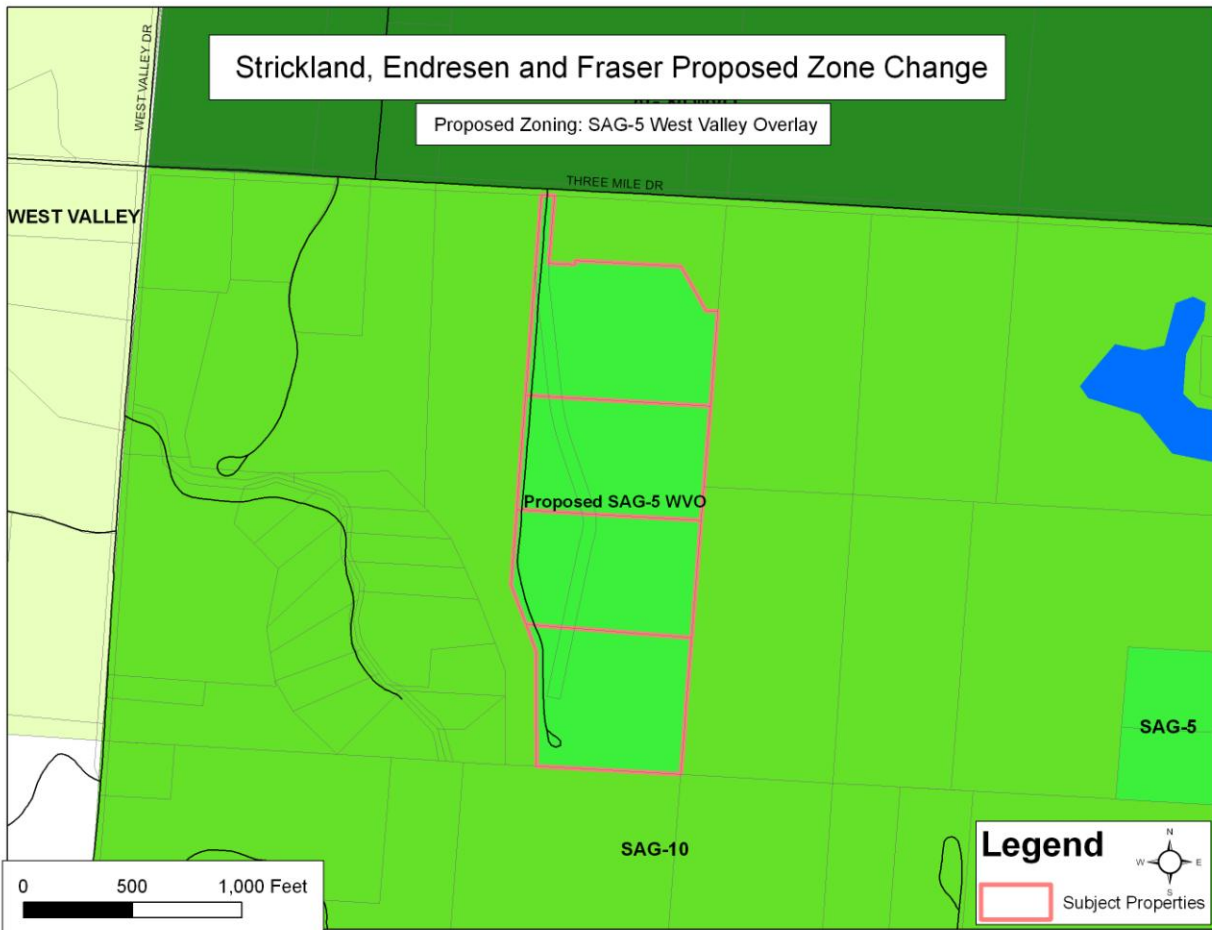


Figure 3: The proposed zoning designation.

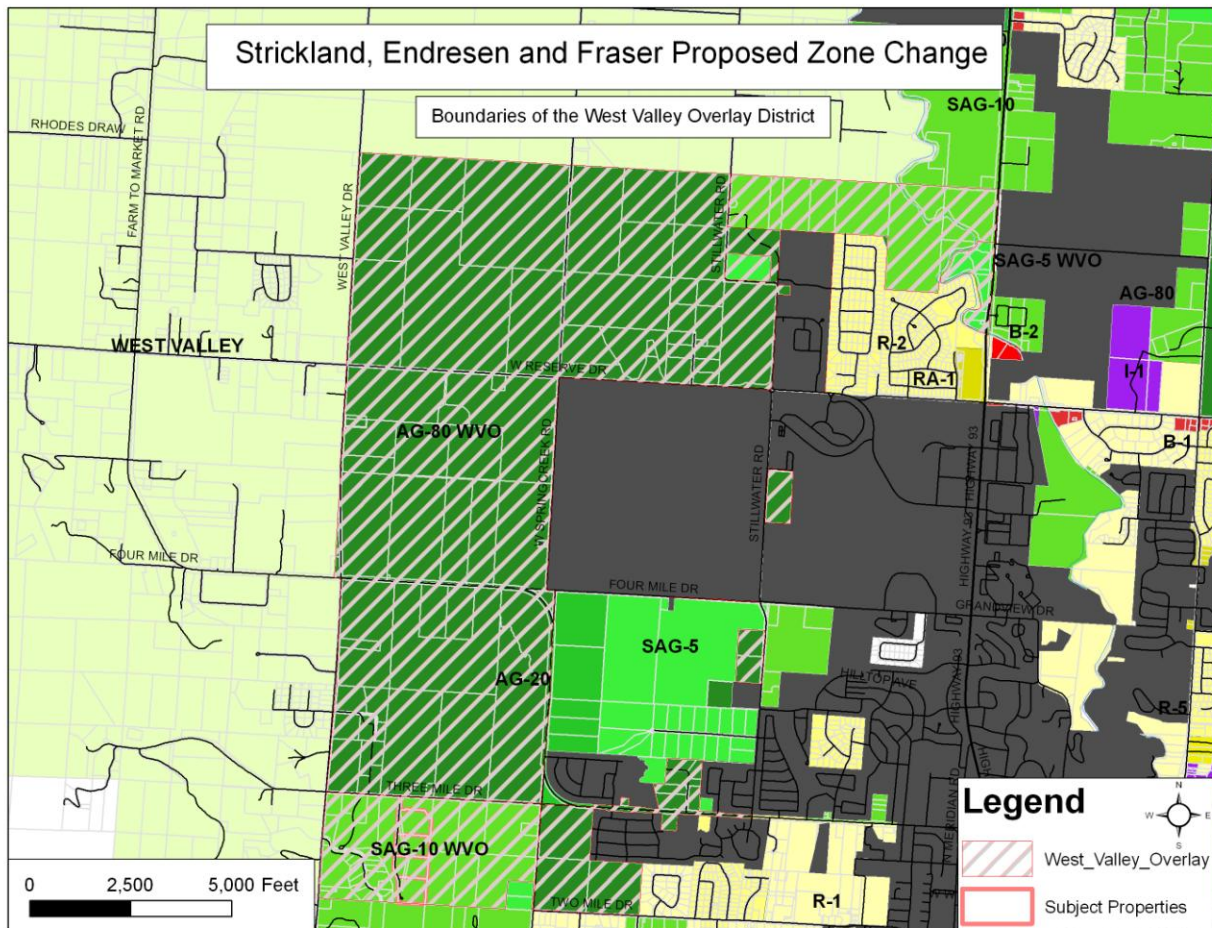


D. General Character of and Reason for Amendment

The proposed zoning map amendment would change the zoning on 42.52 acres from SAG-10 to SAG-5. The proposal would involve 4 properties with 3 different owners. The additional provisions of the West Valley Overlay would stay in place.

The West Valley Overlay is a special overlay zoning district meant to extend the provisions relating to the West Valley Neighborhood Plan to portions of the Westside Zoning District (figure 4). According to *A Planners Dictionary*, an overlay zone is an area where certain additional requirements are superimposed upon a base zoning district and where the requirements of the underlying district may or may not be altered. In the case of the West Valley Overlay, the base zoning is the either AG-80, SAG-10 or SAG-5. The additional requirements superimposed are the jurisdictional boundaries of the West Valley Land Use Advisory Committee, and Residential Clustering Standards. All the provisions in the AG-80, SAG-10 and SAG-5 districts still apply.

Figure 4: The portions of the Westside Zoning District where the provisions of the West Valley Overlay are applicable.



E. Adjacent Zoning and Character of the Overall Zoning District

The general character of the surrounding area is comprised of agricultural uses and large lot residential uses. The agricultural uses are primarily to the north and east of the subject property. Large lot residential uses are primarily to the south and west. The adjacent zoning to the subject properties is SAG-10 West Valley Overlay to the east and west, SAG-10 to the south, and AG-80 West Valley Overlay to the north.

The subject properties are within the Westside Zoning District. The Westside Zoning District was adopted on December 23, 1987 by Resolution 678A. The subject properties were originally zoned SAG-1, which later became SAG-10. The West Side zoning was based upon the Kalispell City-County Master Plan 2010.

The West Valley Overlay District was established on April 9, 1997 by Resolution 678S. The West Valley Overlay District created additional clustering provisions and extended the jurisdictional boundaries of the West Valley Land Use Advisory Committee. The West Valley Overlay District was based upon the West Valley Neighborhood Plan.

When an application appears to have the potential for spot zoning, the “three part test” established by legal precedent in the case of *Little v. Board of County Commissioners* is reviewed specific to the requested map amendment. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a brief review of the three-part test in relation to this application.

1. *The zoning allows a use that differs significantly from the prevailing use in the area*

The proposed SAG-5 zoning does not differ significantly in use from the prevailing area which is primarily zoned SAG-10.

2. *The zoning applies to a small area or benefits a small number of separate landowners.*

The zoning map amendment would apply to approximately 42.52 acres and would only benefit three landowners.

3. *The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.*

While the zoning map amendment would apply to and potentially benefit a few landowners, this benefit is not likely to occur at the expense of the surrounding landowners because of the similarity in zoning designations. The applicant is not requesting a wholesale change in use (from agricultural to residential, commercial, or industrial, for example); the requested map amendment would primarily alter the bulk and dimensional requirements as applied to the subject properties.

F. Public Services and Facilities

Sewer:	Individual septic system(s)
Water:	Individual well(s)
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy (if available)
Telephone:	CenturyTel
Schools:	West Valley School District (K-12)
Fire:	West Valley Rural Fire District
Police:	Flathead County Sheriff's Office

G. Criteria Used for Evaluation of Proposed Amendment

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

H. Compliance With Public Notice Requirements

Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject properties on May 11, 2010. Legal notice of the Planning Board public hearing on this application will be published in the May 23, 2010 edition of the Daily Interlake.

Following the Planning Board hearing on June 9, 2010, public notice of the zoning map amendment will be physically posted on the subject properties and within the zoning district according to statutory requirements found in Section 76-2-205 M.C.A. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the date, time and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

I. Agency Referrals

Referrals for comment on the proposed zoning map amendment were sent to the following agencies:

- City of Kalispell Planning Department
 - Reason: The application is within 3 miles of the City of Kalispell.
- Bonneville Power Administration
 - Reason: There is a BPA easement on the southern tract of the proposal.

III. COMMENTS RECEIVED

A. Public Comments

As of the May 26, 2010, the date of the completion of this staff report for the Flathead County Planning Board, no public comment has been received regarding the requested zoning map amendment. Any public comment received after May 26, 2010 at 5:00 pm will be summarized verbally into the record at the public hearing held by the Flathead County Planning Board.

B. Agency Comments

As of the May 26, 2010, the date of the completion of this staff report for the Flathead County Planning Board, one agency comment has been received regarding the requested zoning map amendment. Any agency comments received after May 26, 2010 at 5:00 pm will be summarized verbally into the record at the public hearing held by the Flathead County Planning Board.

- Jamie Murray of the Bonneville Power Administration
 - BPA holds an easement 125 feet wide. BPA easements do place restrictions on the underlying land. The property owners should contact BPA for approval for all activities within the easement. In order to avoid future conflict, BPA would like the following language

to be included in this staff report and any zoning amendment documents:

- *The Bonneville Power Administration (BPA) imposes certain conditions on the portions of those properties encumbered by its high voltage transmission line right-of-way. BPA does not allow structures to be built within the right-of-way, nor does it allow access to be blocked to any transmission facilities, any activity that is to occur within the right-of-way needs to be permitted by BPA prior to installation or construction. Information regarding the permitting process for proposed use of the right-of-way may be addressed to BPA Real Estate Field Services at (406) 751-7821.*

IV. EVALUATION OF PROPOSED AMENDMENT

A. Build Out Analysis

Once a zone is applied in a certain area, landowners have certain land uses and densities that are allowed “by-right” or subject to some additional review. A build-out analysis is performed to examine the maximum potential impacts of full build-out of those uses and densities. Build-out analyses are objective and are not “best-case” or “worst case” scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, future demands for public services and facilities, the environment and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zone change to the future of the community to allow for the best possible review today.

The proposal consists of 4 subject properties; each property is roughly ten acres. Within the current regulations, a maximum build out of 4 single family residential homes could be built. Within the proposed designation, the maximum build out could be 8 single family residential home. The West Valley Overlay Zoning does allow for clustering, if the parent tract is 20 acres or greater [Section 3.35.030 FCZR]. To allow the property owners to take advantage of the clustering provisions in the West Valley Overlay, the parcels would need to be aggregated. If all 4 parcels were aggregated according to the maximum density of one unit per 5 acres, 32.31 acres would be required to be set aside as open space, and up 8 units would be placed on 10.21 acres.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

i. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.

Growth Policy Review

According to 76-2-203 (1) and 76-2-203(a), M.C.A. zoning regulations must be made in accordance with an adopted growth policy.

The Implementation Plan found in the Flathead County Growth Policy Appendix C identifies how policies are to be implemented. The Implementation Plan

separates the policies into separate categories by how they are to be implemented. The categories are:

Policy: A specific but non-regulatory statement that directly guides a community towards meeting an established goal regarding the promotion of public health, safety, welfare and efficiency in the process of community development. Growth-related policies are frequently directly implemented with regulatory mechanisms.

Action Item: A statement providing guidance for future planning efforts and requiring a follow-up action such as creation of a subsequent, more detailed plan or educational outreach effort. Implementation of an action item (i.e. creation of an additional plan) can result in detailed policies regarding a specific issue.

Neither: The *policy* category, as stated in the Flathead County Growth Policy, does not provide specific guidance for growth or direction for future planning efforts.

Below is a list of policies that are listed as “Policy” in the implementation plan that may be implemented through the use of zoning that may be relevant to this proposal.

P.10.7 On lands that contain areas both suitable and unsuitable for development, encourage open space development design techniques to cluster dwellings away from hazardous and/or unsafe areas.

The subject property has the potential for slopes greater than 30%. Slopes greater than 30% can be challenging to develop. The West Valley Overlay designation would allow future development to be focused in portions of the subject properties that do not have potentially limiting slopes.

West Valley Neighborhood Plan Review

The subject properties are within the boundaries of the West Valley Neighborhood Plan. The West Valley Neighborhood Plan establishes 4 land use goals. They are:

- To plan for the wise use of land in West Valley
- To maintain the rural and scenic quality of west valley
- To protect air and water quality
- To protect private property rights

The West Valley plan also contains a number of policies that are organized into four topics. They are:

- Agriculture/Forestry
- Residential
- Commercial/Industrial
- Open Space

Below is a list of specific policies that may be relevant to this proposal (policies in the West Valley Plan are not numbered):

Discourage conversion of prime agricultural soils to non-ag uses

Recognize opportunity to develop residential uses on inclusions of “poor soils” within a larger agricultural district, farm, or forest land or when public pressures no longer make farming or forestry feasible

According to the web-soil survey and maps in the West Valley Neighborhood Plan, the subject properties are not identified as prime agricultural land.

Establish residential land use densities based on such considerations as soil type, existing development patterns, fire hazards, distance to services, and topography

Soil types on the subject properties do not favor agricultural activities. The historic development pattern in the immediate area reflects the SAG-10 zoning designation except to the immediate west of the subject property where parcels closer to 2 acres exist. The subject properties lack fire hazards and are close to urban services. Portions of the subject properties may have slopes greater than 30%.

Steep slopes, wildlife habitat, water features, and other such criteria should be used to help identify and prioritize lands for long-term protection

If the applicants choose to utilize the clustering provisions of the West Valley Overlay district, steep slopes should be used to identify the area to be set aside.

The goals and policies affecting land use in the West Valley plan were intended to be implemented in a manner that was flexible, allowing residential development in areas with poor soils where services are readily available. The plan was implemented through the creation of the West Valley Zoning District and the creation of the West Valley Overlay. The subject properties are within the West Valley Overlay and are not governed by the density provisions of the West Valley Zoning District.

Finding #1- The proposed amendment is in accordance with the Flathead County Growth Policy and West Valley Neighborhood Plan because clustering provisions of the proposed zoning designation would allow development to avoid areas with potential slopes greater than 30% and the subject properties are not identified as prime agricultural soils.

ii. Whether the proposed map amendment is designed to:

1. Secure safety from fire and other dangers;

There is no indication the proposed zone change will create hazards in relation to fire, panic, and other dangers. The area is within the boundaries of the West Valley Fire Department. The nearest station is approximately 3.4 miles on Farm to Market Road. The property is not located within the wildland urban interface (WUI) as defined in the Flathead County Community Wildfire Fuels Reduction-Mitigation Plan. The Flathead Regional Medical Center is located approximately 3.5 miles from the subject property. The properties are not

located within an area subject to flooding as identified by FEMA FIRM Panel 1800G.

Finding #2- The proposed amendment is designed to secure safety from fire and other dangers because the subject properties are located in the West Valley Fire District, are not in the identified WUI, and do not have identified flood hazards.

2. Promote public health, public safety, and general welfare;

The topography of the subject property does present some challenges. The northern two lots appear to have the potential for slopes greater than 30%. This could pose challenges for access and building sites. However, there is adequate space on top of the slope for building sites. Because SAG-5 would allow parcel sizes of 5 acres, access could be designed properly to access those sites without creating challenges to emergency services.

Figure 5: This photo was taken looking south down Eastview Lane. The subject property is past the wooden fence on the east side of the roadway. The slope on the east side of the roadway could be greater than 30% in certain places.



The subject properties are not located in the WUI or within an area of flood hazard and are located within relatively close proximity to emergency services compared to some areas of Flathead County. The proposal should not create issues with public health, safety, or general welfare.

Finding #3- The proposed amendment is designed to promote public health, safety, and general welfare because the 5 acre minimum lot size will allow

adequate space for building sites and access, and there are no other known hazards present on the subject property.

3. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

The subject properties have direct access onto Eastview Lane, a private gravel road, which connects to Three Mile Drive, a paved county roadway. The transportation system is adequate for agricultural and rural residential uses. The subject properties will be on individual septic and wells. Ground water depths are estimated to be greater than eight feet in the area and lots of 5 acres are likely to have room for wells and septic. Wells and septic will be reviewed by Flathead County Environmental Health Department. Assuming that each home in Flathead County contributes 0.5 persons of school age, the proposal could add 2 students to the school system. Due to the location of the subject property and that only 4 parcels will be created, the proposal should not have an impact on transportation, water, sewerage, schools, parks, and other public requirements.

Finding #4- The proposed amendment facilitates the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements because the amendment would only allow 4 additional parcels and the lot sizes will likely be able to accommodate wells and septic systems.

iii. In evaluating the proposed map amendment, consideration shall be given to:

1. The reasonable provision of adequate light and air;

Eastview Lane is not a paved road. Increasing densities would result in increased traffic. Flathead County Subdivision Regulations would require paving part of Eastview Lane if the properties were to be subdivided. If this would be the case, the new zoning would provide adequate light and air. However, the subdivision regulations would not cover family transfers. Division of the land by family transfers would result in increased traffic on the road with no provisions for paving. If all 4 parcels were divided through family transfer an additional 40 trips per day created by the proposal would effect approximately 300 feet of the road way. Furthermore, the type of traffic would likely be limited to automobiles associated with single family residential which create less dust than a large truck for example. Because of the relatively short distance of gravel road, and relatively small increases in trips per day, the proposed zone change would not likely substantially impact to light and air.

Finding #5- The proposed amendment gives reasonable consideration to the provision of light and air because the amount, distance traveled, and type of traffic generated on Eastview Lane, a gravel road, by the proposal will not substantially increase dust.

2. The effect on motorized and non-motorized transportation systems;

A SAG-5 zoning designation would allow 4 additional homes potentially adding 40 trips per day onto Eastview Lane. All traffic on Eastview Lane

would eventually access Three Mile Drive, a paved county roadway. The most recent road count for Three Mile Drive near the subject property was in 2007 taken east of the intersection with West Valley. The road count was 677 trips per day. The proposal could contribute an additional 40 trips per day onto Three Mile Drive. The additional 40 trips per day would not have a significant impact on the transportation system.

There are no facilities developed specifically for non-motorized transportation in the immediate area of the subject properties. Densities of 1 unit per 5 acres do not warrant facilities such as side walk, curb and gutter, or crosswalks. There will be no impact on non-motorized transportation.

Finding #6- The proposed amendment is likely to have minimal impact on motorized and non-motorized transportation systems because the amount of traffic that potentially could be added is approximately 40 trips per day, and the proposed densities do not warrant non-motorized transportation facilities.

3. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

The subject properties are located outside of the City of Kalispell's Growth Policy boundary. Therefore, it is anticipated that land use decisions will be made according to county planning documents.

Finding #7-The proposed amendment is compatible with urban growth in the vicinity of cities and towns because it is anticipated that growth will occur at this time according to county planning documents.

4. The character of the district(s) and its peculiar suitability for particular uses;

The subject properties are within the Westside Zoning District. The Westside Zoning District was adopted on December 23, 1987 by Resolution 678A. The subject properties were originally zoned SAG-1, which later became SAG-10. The West Side zoning was based upon the Kalispell City-County Master Plan 2010. Since the adoption of the district, the City of Kalispell has been annexing westward, transforming portions of the district from agricultural to urban uses. Today there are areas within the district zoned SAG-5. The SAG-5 designation maintains the large lot residential and agricultural character found in the district. The proposed zoning is not out of characteristic with the uses within the district.

Finding #8- The proposed amendment is compatible with the character of the district and its peculiar suitability for particular uses because the proposed designation maintains the large lot agricultural characteristics of the district.

5. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

Permitted and conditional uses in the existing SAG-10 designation are similar to the permitted and conditional uses in the proposed SAG-5. The definition of both the existing designation and the proposed designation are designed to maintain agricultural activities and large lot residential uses. The proposed zone change should not have an impact on the value of buildings and is maintaining the agricultural and large lot residential uses in the area.

Finding #9- The proposed amendment conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdiction because the uses and definitions of the existing and proposed designations are similar.

iv. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

The nearest municipality is the City of Kalispell. The City of Kalispell and Flathead County administer separate zoning regulations and separate growth policies with different visions, goals and policies. The proposed SAG-5 designation is commonly found throughout the county. SAG-5 is designed to preserve limited agricultural functions and large lot residential use. The City of Kalispell does not administer regulations designed to preserve large lot functions and limited agricultural activities. If the properties were to be annexed in the future, the zoning would need to be amended to a designation administered by the City of Kalispell.

Finding #10- The proposal amendment is the nearest possible regulation compatible with the zoning ordinances of nearby municipalities because the proposal is utilizing existing regulations that are implemented within proximity of the City of Kalispell.

V. SUMMARY OF FINDINGS

Finding #1- The proposed amendment is in accordance with the Flathead County Growth Policy and West Valley Neighborhood Plan because clustering provisions of the proposed zoning designation would allow development to avoid areas with potential slopes greater than 30% and the subject properties are not identified as prime agricultural soils.

Finding #2- The proposed amendment is designed to secure safety from fire and other dangers because the subject properties are located in the West Valley Fire District, are not in the identified WUI, and do not have identified flood hazards.

Finding #3- The proposed amendment is designed to promote public health, safety, and general welfare because the 5 acre minimum lot size will allow adequate space for building sites and access, and there are no other known hazards present on the subject property.

Finding #4- The proposed amendment facilitates the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements because the amendment would only allow 4 additional parcels and the lot sizes will likely be able to accommodate wells and septic systems.

Finding #5- The proposed amendment gives reasonable consideration to the provision of light and air because the amount, distance traveled, and type of traffic generated on Eastview Lane, a gravel road, by the proposal will not substantially increase dust.

Finding #6- The proposed amendment is likely to have minimal impact on motorized and non-motorized transportation systems because the amount of traffic that potentially could be added is approximately 40 trips per day, and the proposed densities do not warrant non-motorized transportation facilities.

Finding #7- The proposed amendment is compatible with urban growth in the vicinity of cities and towns because it is anticipated that growth will occur at this time according to county planning documents.

Finding #8- The proposed amendment is compatible with the character of the district and its peculiar suitability for particular uses because the proposed designation maintains the large lot agricultural characteristics of the district.

Finding #9- The proposed amendment conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdiction because the uses and definitions of the existing and proposed designations are similar.

Finding #10- The proposal amendment is the nearest possible regulation compatible with the zoning ordinances of nearby municipalities because the proposal is utilizing existing regulations that are implemented within proximity of the City of Kalispell.

VI. RECOMMENDATION

Staff recommends the Flathead County Planning Board adopt staff report FZC-10-03 as findings of fact and recommend approval of the zoning map amendment to the Flathead County Commissioners.